

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion is respectfully requested.

Claims 1-34, 36, and 37 are pending. In the present amendment, Claims 1-19, 36, and 37 are currently amended, and Claim 35 is canceled without prejudice or disclaimer. Support for the present amendment can be found in the original specification, for example, at page 26, line 18 to page 27, line 6, and in original Claim 1. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 1, 5, 7-11, 13, 17-19, and 35-37 were rejected under 35 U.S.C. § 102(b) as anticipated by Reinecke et al. (U.S. Patent No. 5,716,741, hereinafter "Reinecke"); Claims 2-4, 6, and 14-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Reinecke in view of Hashimoto et al. (U.S. Patent No. 5,527,662, hereinafter "Hashimoto"); and Claim 12 was rejected under 35 U.S.C. § 103(a) as unpatentable over Reinecke.

The claims of the present application are hereby amended, in part, to clarify that these claims should not be interpreted as step-plus-function claims under 35 U.S.C. § 112, sixth paragraph.

In response to the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections, and traverse these rejections, as discussed below.

Amended Claim 1 recites:

A process of producing a resin molded product,
comprising:

forming a resist pattern on a substrate;

forming a metal structure by depositing a metal in
accordance with the resist pattern on the substrate; and

forming a resin molded product by using the metal structure,

wherein the forming a resist pattern comprises:

forming a plurality of resist layers on the substrate; and

developing the plurality of resist layers through solubility control in such a way that an upper resist layer has lower solubility in a developer than a lower resist layer.

The process of producing a resin molded product recited in Claim 1 includes forming a plurality of resist layers on the substrate, and developing the plurality of resist layers through solubility control in such a way that an upper resist layer has lower solubility in a developer than a lower resist layer. As explained in the original specification, for example, at page 26, line 18 to page 27, line 6, it is more important to control the solubility of each layer, and particularly, to reduce the solubility of the second resist layer, which is the upper layer, in the developer. Specifically, the solubility of the second resist layer should be lower than that of the first resist layer, which is the lower layer. Accordingly, dissolution or distortion of the upper resist layer due to the developer when creating the lower layer can be avoided. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 1.

Reinecke describes a method of producing stepped mould inserts and stepped microstructure bodies.¹ Additionally, Reinecke describes that the method can include successive resist layers having solubility differences.² Further, Reinecke describes that the resist layers to be removed can be dissolved out selectively.³

The Office Action, on page 3, takes the position that “the implicit indication [of Reinecke] that the two layers may be different anticipates this limitation. Indication of

¹ See Reinecke, at column 1, lines 16-19.

² See Reinecke, at column 4, lines 27-34 and at column 5, lines 12-20.

³ See Reinecke, at column 6, lines 20-30.

different layers is further disclosed in Column 6 lines 23-27 by selecting different solvents for different resist layers.”

However, it is respectfully submitted that Reinecke does not disclose or suggest “developing the plurality of resist layers through solubility control in such a way that an upper resist layer has lower solubility in a developer than a lower resist layer,” as recited in amended Claim 1.

On the contrary, Reinecke does not disclose or suggest that an upper resist layer should have a lower solubility in a developer than a lower resist layer. Instead, Reinecke merely describes that the layers can be dissolved out separately. Further, Reinecke does not implicitly describe that the upper resist layer has lower solubility than the lower resist layer since an upper resist layer having a higher solubility can be dissolved separately from a lower resist layer having a lower solubility. Thus, the assertion in the Office Action that the two layers may be different is not sufficient to establish the inherency of the “developing the plurality of resist layers” defined in amended Claim 1. See MPEP § 2112IV.

Accordingly, it is respectfully submitted that Reinecke does not disclose or suggest every feature recited in amended Claim 1. Further, it is noted that independent Claims 7 and 13, while directed to alternative embodiments, recite features similar to those discussed above with respect to Claim 1. Therefore, it is respectfully requested that the rejections of Claims 1, 7, and 13, and all claims dependent thereon, as anticipated by or unpatentable over Reinecke be withdrawn.

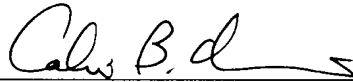
Regarding the rejection of Claims 2-4, 6, and 14-16 as unpatentable over Reinecke in view of Hashimoto, it is noted that Claims 2-4, 6, and 14-16 are dependent on Claims 1 and 7, and thus are believed to be patentable for at least the reasons discussed above with respect to Claims 1 and 7. Further, it is respectfully submitted that Hashimoto does not cure the

above-noted deficiencies of Reinecke. Accordingly, it is respectfully submitted that Claims 2-4, 6, and 14-16 are patentable over Reinecke in view of Hashimoto.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Colin B. Harris
Registration No. 58,969